HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 102 (S/S) 2001
(Old no. 23097 of 1992)

Chandrapal Singh S/o Sri Kundan Singh,
Working as Beldar in Block Dugadda,
Garhwal Jal Sansthan, Kotdwar,
Pauri Garhwal,
At present residing at Mohalla Ahamad Nagar,
Tehsil Amroha, District Moradabad. ----Petitioner.

Vs.

1. The General Manager, Jal Sansthan,
   62 Race Course Road, Dehradun,
2. The Executive Engineer, Anurakshan Khand,
   Garhwal Jal Sansthan, Kotdwar,
   Pauri Garhwal,
3. Executive Engineer, Nirman Shakha,
   U.P. Jal Nigam Kotdwar, Pauri Garhwal,
4. Junior Engineer, Garhwal Jal Sansthan,
   Dugadda, Pauri Garhwal. ----Respondents.

Sri M.C. Kandpal, learned Sr. Counsel for the petitioner,
Sri Rakesh Thapaliyal, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Sr. Counsel for the petitioner and Sri Rakesh Thapaliyal, learned counsel for the respondents.

2. The petitioner has filed this writ petition for the following reliefs:-

a. to issue a writ of certiorari or order or direction in the nature of certiorari quashing the impugned orders dated 9th March 1992 and 11th March 1992 passed by the opposite party no.2 & 4 respectively (annexure III and IV to the writ petition respectively),

b. to issue a writ of mandamus or order or direction in the nature of mandamus commanding and directing the respondents to allow to the petitioner to work on

the post of the Beldar at Dugadda, Garhwal Jal Sansthan, Kotdwar district Pauri Garhwal to pay him the monthly salary regularly,

c. to issue a writ of mandamus or order or direction in the nature of mandamus commanding and directing the respondents to regularise the services of the petitioner in the Garhwal Jal Sansthan, Kotdwar district Pauri Garhwal,

d. to issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

e. to award costs of this petition to the petitioner.

3. Submission of the learned counsel for the petitioner is that the petitioner was engaged in the office of Executive Engineer, Construction Division, U.P. Jal Nigam, Kotdwar, district Pauri Garhwal on 3rd August 1987. On 6th November 1990, the Govt. has taken a decision to transfer some of the projects to the Jal Sansthan and alongwith the projects, the persons who were engaged on daily wage basis in the said projects were also transferred to the Jal Sansthan. The Jal Sansthan, vide its order dated 08.03.1992 had sent back 9 persons to Jal Nigam with the objection that the persons mentioned in the order dated 08.03.1992 were not engaged in accordance with law.

4. On the other hand, learned counsel for the respondents has submitted that Sri Arun Kumar Joshi, one of the Class IV employee who was returned back to the Jal Nigam, filed writ petition o. 1347 of 1993 before the Allahabad High court and the Allahabad High Court on 23rd July 1999 dismissed the writ petition of Sri Joshi. Against the order dated 23rd July 1999 passed by the Allahabad High court, Sri Joshi preferred Special

Leave Petition before Hon'ble the Supreme Court bearing no. 14624 of 1999, which has also been dismissed by Hon'ble the Supreme Court on 14.02.2000. Consequently, the Jal Sansthan cannot take the services of the petitioner.

5. Perusal of the record shows that the order passed by the Executive Engineer, Garhwal Jal Sansthan dated 08.03.1992 was affirm by the Allahabad High Court as also by the Supreme Court.

6. Keeping in view the aforesaid facts and circumstances, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 5,2006:
NCM: